IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 200 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/08/2004 in WP NO: 34535 OF 1998 on the file of the High Court.)

Between:

M/s.Electronic Corporation of India Ltd., Moula Ali, rep by Chairman&Managing Director, Hyderabad.

APPELLANT

AND

1. V.Sayulu S/o.V.Mutyalu C.No.63079,TME, MID, IG, E.C.I.L., Hyderabad.
2 The Disciplinary Authority Instruments Group ECIL.,Moula Ali,

Hyderabad.
3 Sri T.Suresh, Enquiry Officer&Manager,C.M.G.,E.C.I.L., Hyderabad.

(RR2, 3 are not necessary parties in this W.A.)

RESPONDENTS.

Counsel for the Appellant :MR.P.NAGESWARA SREE

Counsel for the Respondents: MR.D.V.NAGARJUNA BABU

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the 1st respondent-appellant herein aggrieved by the order in W.P. No: 34535 of 1998, under which the learned single Judge disposed of the said writ petition to the extent indicated therein.

The 1st respondent herein is the writ petitioner. He filed the writ petition in W.P.No.34535 of 1998 seeking to declare the action of the appellant in initiating disciplinary proceedings against him in pursuance of charge sheet in proceedings No.ECIL, IG: MID; 63079:0297 dated 17-5-1995 as illegal, arbitrary, unjust, void and consequently to set aside the Charge Sheet dated 17-5-1995.

The learned single Judge having observed that in view of the legal position, the appellant is directed not to proceed with the disciplinary proceedings initiated against the writ petitioner pursuant to charge sheet dated 17-5-1995 until the social status of the writ petitioner is decided as per the Act finally, disposed of the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the appellant.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record.

In this case, the disciplinary proceedings are with regard to the social status of the writ petitioner basing on the report of the revenue authorities. As a matter of fact, the enquiry as to the social status of the writ petitioner, has not admittedly been done in consonance with the provisions of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Community Certificates Act, 1993. In this back ground of the matter, the observation arrived at by the learned single Judge that the appellant cannot proceed with the disciplinary proceedings initiated against the writ petition till the social status of the writ petitioner is decided as per the above Act, is justified and the same would not warrant any interference by this Court.

In the result, the Writ Appeal is dismissed confirming the order of the learned single Judge. No costs.

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Justice T.Meena Kumari

Date : 09th February, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Chairman & Managing Director, M/s.Electronic Corporation of India Ltd., Moula Ali, , Hyderabad.

2 The Disciplinary Authority Instruments Group ECIL.,Moula Ali,

Hyderabad.

3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No.200 of 2005

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

09th February, 2005